IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 11786 of 2005

Between:

P. Venkat Reddy, S/o P. Sathi Reddy,
R/o H.No. 1-66/4, Nagole, Uppal, Ranga Reddy District.

..... PETITIONER

AND

1 The Additional Registering Authority, Regional Transport

Authority, Uppal, Ranga Reddy District East.
2 The Motor Vehicle Inspector, D.L. Testing Ground, Nagole,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, especially, one in the nature of Writ of Mandamus declaring the seizure of the petitioner vehicle bearing No. AP 11T 7623 vide vehicle check report No. 2850736 dt. 18-5-2005 is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and consequently direct the respondent to release the petitioner vehicle bearing No. AP11T 7623 immediately and pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.CH.RAVINDER

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner questioning the action of the respondents in not releasing his vehicle bearing No.AP11T 7623 seized by the respondents on certain alleged irregularities specified in the Vehicle Check Report No.2850736 dated 18.05.2005.

According to the petitioner, even if certain irregularities have been committed, for any proposed action, the authorities have to conduct an enquiry under Section 207 of the Motor Vehicles Act, 1988. It is stated that such an enquiry is still pending and pending the enquiry, the vehicle has to be released in terms of the order of the Division Bench of this Court. Therefore, he sought a direction for release of his vehicle.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport appearing for the respondents.

In the circumstances, the respondents are directed to release the petitioner's vehicle within a period of one week on condition of the petitioner depositing a sum of Rs.5,000/- (Rupees five thousand

only), on payment of tax, if any due, and further on condition of the petitioner giving an undertaking that he shall not alienate or encumber the vehicle, pending completion of the enquiry proposed by the respondents. It is made clear that the release of the vehicle as well as the payment of Rs.5,000/- by the petitioner shall be subject to the outcome of the enquiry and the order that is going to be passed by the respondents.

The writ petition is accordingly disposed of. No costs.

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07.06.2005

Note: Sent the Operative portion by wire

at party's cost.

(b/o)

VGB

To

1 The Additional Registering Authority, Regional Transport

Authority, Uppal, Ranga Reddy District East.
2 The Motor Vehicle Inspector, D.L. Testing Ground, Nagole,

Hyderabad.

3 2CCs to the Government Pleader for Transport, High Court

Buildings, Hyderabad. (OUT)

4 2CD copies.